

IC 20-9.1-5

Chapter 5. School Bus Safety; Use of School Buses

IC 20-9.1-5-1

Use of school buses; generally

Sec. 1. No person shall operate or permit the operation of any school bus on any highway in Indiana for any private purpose or for any purpose other than transportation of eligible school children to and from school except as authorized by sections 1.5 through 9 of this chapter. However, this restriction does not apply to the use of school buses owned and operated by any private school or any nonprofit agency with primary responsibility for the habilitation or rehabilitation of developmentally disabled or physically disabled persons.

*(Formerly: Acts 1973, P.L.218, SEC.2; Acts 1974, P.L.96, SEC.1.)
As amended by Acts 1977, P.L.123, SEC.5; Acts 1981, P.L.198, SEC.6; P.L.23-1993, SEC.108.*

IC 20-9.1-5-1.5

Use of school buses; persons 65 years of age or older

Sec. 1.5. Use of School Buses; Persons Sixty-five Years of Age or Older. The governing body of any school corporation may permit, by written authorization, the use of school buses for the transportation of adults sixty-five (65) years of age and older.

As added by Acts 1981, P.L.198, SEC.7.

IC 20-9.1-5-2

Use of school buses; school and other activities

Sec. 2. (a) The governing body of a school corporation may permit, by written authorization, the use of school buses for transportation of eligible school children and necessary adult chaperones or of adults to and from an activity which is either sponsored, controlled, supervised, or participated in by the governing body. The number and qualifications of adult chaperones under this section may be determined by the governing body.

(b) The governing body may permit, by written authorization, the use of school buses for transportation of children and necessary adult chaperones to and from educational or recreational activities approved or sponsored by a political subdivision if:

- (1) the transportation originates from a place within the geographical limits of the school district served by the affected bus;
- (2) the persons transported are residents of Indiana; and
- (3) the trip does not involve more than two hundred (200) miles of travel out of state.

(Formerly: Acts 1973, P.L.218, SEC.2.) As amended by Acts 1981, P.L.198, SEC.8; P.L.121-1984, SEC.1; P.L.208-1985, SEC.1.

IC 20-9.1-5-2.1

Authorized use of school buses for transportation; adult

chaperones

Sec. 2.1. (a) The governing body of a school corporation may, by written authorization, permit the use of school buses for transportation:

- (1) of preschool children who attend preschool offered by the school corporation or under a contract entered into by the school corporation to and from the preschool facility site; and
- (2) subject to the geographic and residency requirements set forth in section 2(b) of this chapter, of preschool children and necessary adult chaperones to and from educational or recreational activities approved or sponsored by the governing body for the preschool children.

(b) The number and qualifications of adult chaperones under subsection (a)(2) may be determined by the governing body.

As added by P.L.107-1992, SEC.5.

IC 20-9.1-5-2.5 Repealed

(Repealed by Acts 1981, P.L.198, SEC.11.)

IC 20-9.1-5-2.6

Use of school buses; special purpose buses

Sec. 2.6. (a) A special purpose bus:

- (1) may be used by a school corporation to provide regular transportation of school children between one (1) school and another school but not between their residence and the school;
- (2) may be used to transport school children and their supervisors, including coaches, managers, and sponsors to athletic, other extracurricular school activities, and field trips; and
- (3) may be used by a school corporation to provide transportation between their residence and the school for persons enrolled in a special program for the habilitation or rehabilitation of developmentally disabled or physically disabled persons.

(b) The mileage limitation of section 2 of this chapter does not apply to special purpose buses.

(c) The operator of a special purpose bus must be at least twenty-one (21) years of age, must be authorized by the school corporation, and must meet the following requirements:

- (1) If the bus has a capacity of less than sixteen (16) passengers, the operator must hold a valid operator's, chauffeur's, or public passenger chauffeur's license.
- (2) If the bus has a capacity of more than fifteen (15) passengers, the operator must meet the requirements for a school bus driver set out in IC 20-9.1-3.

(d) A special purpose bus is not required to be constructed, equipped, or painted as specified for school buses under this article or by the rules of the state school bus committee.

(e) An owner or operator of a special purpose bus, other than one owned or operated by a school corporation or a private school, is

subject to IC 8-2.1.

As added by Acts 1981, P.L.198, SEC.9. Amended by P.L.135-1988, SEC.16; P.L.99-1989, SEC.29; P.L.3-1989, SEC.123; P.L.23-1993, SEC.109; P.L.47-2004, SEC.2.

IC 20-9.1-5-3

Repealed

(Repealed by P.L.121-1984, SEC.5.)

IC 20-9.1-5-3.5

Use of buses to transport groups and organizations

Sec. 3.5. (a) In addition to the exemptions granted in this chapter and notwithstanding the provisions of section 18 of this chapter, any school corporation may permit a school bus operated under a fleet or transportation contract, and not owned in whole or in part by a public agency, to be used for transporting any group or organization for any distance, if that group or organization agrees to maintain the condition of the bus and to maintain order on the bus while in use.

(b) When authorizing such transportation, the school corporation shall require the owner of the bus to:

- (1) obtain written authorization of the superintendent of the contracting school corporation;
- (2) clearly identify the bus with the name of the sponsoring group; and
- (3) provide proof to the superintendent and the sponsoring group of financial responsibility, as required by IC 9-25 and IC 20-9.1-2-6 for such transportation.

(c) The governing body of a school corporation may permit, by written authorization, the use of school buses owned in whole or in part by the school corporation for the transportation needs of a fair or festival operated by or affiliated with a nonprofit organization exempt from federal taxation under Section 501(c)(3) through 501(c)(7) of the Internal Revenue Code.

(Formerly: Acts 1974, P.L.97, SEC.1; Acts 1975, P.L.31, SEC.3.) As amended by Acts 1977, P.L.246, SEC.1; P.L.215-1983, SEC.1; P.L.2-1991, SEC.80; P.L.278-2001, SEC.5.

IC 20-9.1-5-3.6

Use of school buses; developmentally disabled persons

Sec. 3.6. (a) As used in this section, "developmentally disabled person" means a person who has a developmental disability (as defined in IC 12-7-2-61).

(b) A special education cooperative operating under IC 36-1-7, IC 20-1-6-20, or IC 20-5-11, or a school corporation, may enter into an agreement with a state supported agency serving developmentally disabled persons whereby school buses or special purpose buses used by the special education cooperative or school corporation may be used to transport developmentally disabled persons who:

- (1) are two (2) years of age or older; and
- (2) live within the boundaries of the special education

cooperative or school corporation;
to and from programs for the developmentally disabled.

(c) An increased cost of transportation for developmentally disabled persons not reimbursed under IC 21-3-3.1 shall be borne by the persons transported or the state supported agency serving the developmentally disabled. However, a developmentally disabled person may not be required to pay for transportation provided under this section where the required payment is contrary to law.

As added by Acts 1978, P.L.111, SEC.1. Amended by Acts 1981, P.L.11, SEC.106; P.L.3-1989, SEC.124; P.L.337-1989(ss), SEC.25; P.L.2-1992, SEC.723; P.L.278-2001, SEC.6.

IC 20-9.1-5-4

Use of school buses; employee meetings

Sec. 4. Use of School Buses, Employee Meetings. The governing body of a school corporation may use school buses to transport school employees to and from meetings which are authorized or required for the employees either locally or by the state. This includes, but is not limited to, a meeting conducted by the local school corporation.

(Formerly: Acts 1973, P.L.218, SEC.2.)

IC 20-9.1-5-5

Use of school buses; public emergency

Sec. 5. Use of School Buses, Public Emergency. The governing body of a school corporation may authorize the use of its school buses during any local, state or national emergency when requested by any governmental authority.

(Formerly: Acts 1973, P.L.218, SEC.2.)

IC 20-9.1-5-6

Use of school buses; agricultural workers

Sec. 6. (a) The governing body of a school corporation may permit the use of its school buses for the transportation of agricultural workers engaged in cultivating, producing, or harvesting crops.

(b) Any bus used under this section may transport only the bus driver, a supervisor or foreman, school children, and duly enrolled college and university students.

(c) When a bus is used to transport agricultural workers, a sign shall be displayed on the front and on the rear of the vehicle. The sign shall carry the words "Agricultural Workers" in letters not less than four (4) inches in height. These signs may be removed or covered whenever the bus is not being used to transport agricultural workers.

(d) Notwithstanding any other provision of this article or IC 9, if a school bus:

(1) is:

(A) registered as a school bus; and

(B) in compliance with all safety and equipment related

requirements for a school bus;
in a state other than Indiana;
(2) while in Indiana is used solely to transport agricultural workers employed to de-tassel corn; and
(3) is operated in accordance with subsection (e);
the out-of-state school bus may be operated for not more than sixty (60) days in any calendar year in Indiana without meeting the inspection and safety requirements of this article.

(e) Before operating a bus described in subsection (d), a person must:

- (1) be licensed to operate buses in:
 - (A) the state in which the bus is registered; or
 - (B) Indiana; and
- (2) annually give written notice to the state school bus committee at least ten (10) days before the school bus is operated in Indiana of the:
 - (A) jurisdiction in which the school bus has been registered and inspected for safety and equipment related requirements;
 - (B) approximate dates that the bus will be operated in Indiana; and
 - (C) license plate number of the school bus.

(Formerly: Acts 1973, P.L.218, SEC.2.) As amended by P.L.193-1993, SEC.1.

IC 20-9.1-5-6.5

Use of school buses; day care centers; developmentally and physically disabled persons

Sec. 6.5. (a) As used in this section, "day care center" means an institution operated primarily for the purpose of providing:

- (1) care;
- (2) maintenance; or
- (3) supervision and instruction;

to children who are less than six (6) years of age and are separated from their parent, guardian, or custodian for more than four (4) hours but less than twenty-four (24) hours a day for at least ten (10) consecutive workdays.

(b) Any:

- (1) day care center; or
- (2) nonprofit agency with primary responsibility for the habilitation or rehabilitation of developmentally disabled or physically disabled persons;

may own, operate, lease, or contract for a school bus which meets the color, equipment, and other requirements of the state school bus committee.

(c) This bus must be used only for the purpose of transporting:

- (1) persons in the care of the center or agency; and
- (2) supervisors of those persons;

to and from educational, social, recreational, or occupational functions.

(d) If an entity described in subsection (b) acquires:

(1) a school bus; or
(2) the use of a school bus;
authorized under subsection (b), each driver of the school bus authorized by the entity must comply with the requirements imposed upon persons transporting school children under IC 20-9.1-3 in order to be certified by the department of education as a school bus driver. *As added by Acts 1977, P.L.123, SEC.6. Amended by P.L.206-1989, SEC.1; P.L.23-1993, SEC.110.*

IC 20-9.1-5-6.6

Use of school buses; child care centers

Sec. 6.6. (a) As used in this section, "child care center" means a nonresidential building where at least one (1) child receives child care from a provider licensed under IC 12-17.2-4:

- (1) while unattended by a parent, legal guardian, or custodian;
- (2) for regular compensation; and
- (3) for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

(b) This subsection does not apply to a developmentally disabled or physically disabled person who is provided transportation by a school corporation by means of a special purpose bus as provided in section 2.6(a)(3) of this chapter. An individual or entity who transports children in the care of a:

- (1) preschool operated by a school corporation;
- (2) public elementary school; or
- (3) public secondary school;

on a public highway (as defined in IC 9-25-2-4) within or outside of Indiana, shall transport the children only in a school bus. However, a special purpose bus may be used for transportation of the children to activities other than regular transportation between the residences of the children and the school.

(c) An individual or entity who transports children in the care of a child care center on a public highway (as defined in IC 9-25-2-4) within or outside of Indiana in a vehicle designed and constructed for the accommodation of more than ten (10) passengers shall transport the children only in a school bus or a special purpose bus.

(d) The operator of a:

- (1) school bus that transports children as required under subsection (b) or (c) shall meet the requirements of IC 20-9.1-3; and
- (2) special purpose bus that transports children as required under subsection (b) or (c) shall meet the requirements of section 2.6(c) of this chapter.

(e) This section does not prohibit the use of a public transportation system for the transportation of children if the motor carriage used is designed to carry twenty (20) or more passengers.

(f) This section does not prohibit a:

- (1) preschool operated by a school corporation;
- (2) public elementary school;

- (3) public secondary school; or
- (4) child care center;

from contracting with a common carrier for incidental charter bus service for non-regular transportation as long as the carrier and the carrier's motor coach comply with the Federal Motor Carrier Safety Regulations as prescribed by the United States Department of Transportation Federal Highway Administration.

As added by P.L.278-2001, SEC.7.

IC 20-9.1-5-7

Use of school buses; maintenance and repair

Sec. 7. Use of School Buses, Maintenance and Repair. The governing body of a school corporation may permit its buses to travel to and from a garage or repair area for the purpose of maintenance or repair.

(Formerly: Acts 1973, P.L.218, SEC.2.)

IC 20-9.1-5-8

Use of school buses; proof of financial responsibility

Sec. 8. Use of School Buses, Proof of Financial Responsibility. The governing body of a school corporation which authorizes the operation of a school bus under sections 1 through 7 of this chapter shall file proof of financial responsibility as required by IC 9-25.

(Formerly: Acts 1973, P.L.218, SEC.2.) As amended by P.L.2-1991, SEC.81.

IC 20-9.1-5-9

Responsibility for funds from transportation

Sec. 9. Responsibility for Funds from Transportation. The governing body of each school corporation shall have sole control of and shall account for all funds received for the transportation of school children and the transportation of other groups authorized by sections 1 through 8 of this chapter.

(Formerly: Acts 1973, P.L.218, SEC.2.)

IC 20-9.1-5-10

Maximum speed of buses

Sec. 10. Maximum Speed of Buses. No school bus shall be operated at a speed greater than fifty-five (55) miles per hour on a federal or state highway or greater than forty (40) miles per hour on any county or township highway. When the posted speed limit is lower than the absolute limits set in this section or when the absolute limits do not apply, the maximum lawful speed of a bus is the posted speed limit.

(Formerly: Acts 1973, P.L.218, SEC.2.)

IC 20-9.1-5-11

Stop required at railroad crossing

Sec. 11. (a) Before crossing any railroad track at grade, the driver of a school bus carrying any passengers shall stop the bus within fifty

(50) feet, but not less than fifteen (15) feet from the nearest rail. While the bus is stopped, the driver shall listen through an open door; he shall look in both directions along the track for approaching trains; and he shall look for signals indicating the approach of a train. He shall not proceed until it is safe to do so. When it is safe to proceed, the driver shall select a gear which will allow him to cross the tracks without changing gears. The driver shall not shift gears while crossing the tracks. However, the driver is not required to stop when a police officer is directing the flow of traffic across railroad tracks.

(b) Upon conviction of a violation of this section, a driver shall have his operator's license suspended for a period of not less than sixty (60) days in addition to the penalties provided by IC 20-9.1-5-22.

(Formerly: Acts 1973, P.L.218, SEC.2.) As amended by Acts 1979, P.L.210, SEC.1; P.L.119-1995, SEC.9.

IC 20-9.1-5-12

Loading and unloading

Sec. 12. Loading and Unloading. When a school bus is operated on a highway, the driver shall load and unload school children as close as practical to the right-hand curb or edge of the roadway.

(Formerly: Acts 1973, P.L.218, SEC.2.) As amended by Acts 1979, P.L.210, SEC.2.

IC 20-9.1-5-13

Loading conveniences

Sec. 13. Loading Conveniences. In order to promote safety in school bus operations, school corporations shall cooperate with the civil divisions of local and state government to provide necessary loading and unloading conveniences as an accessory to public streets and highways. The cost of providing these conveniences shall be paid by the civil divisions of government.

(Formerly: Acts 1973, P.L.218, SEC.2.)

IC 20-9.1-5-14

Arm signal device

Sec. 14. Arm Signal Device. (a) Whenever a school bus is stopped on a roadway to load or unload school children, the driver shall use an arm signal device, and the arm signal device shall be extended while the bus is stopped except that a school bus driver need not extend an arm signal device when the school bus is stopped at an intersection or other place where traffic is controlled by a traffic control device or a police officer.

(b) For the purpose of this chapter, "roadway" means that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm or shoulder even though the sidewalk, berm or shoulder is used by persons riding bicycles or other human powered vehicles.

(c) A public school governing body may authorize a school bus

driver to load or unload passengers at locations off the roadway which it shall designate as special school bus loading areas. The driver need not extend the arm signal device when loading or unloading passengers in the designated areas.

(Formerly: Acts 1973, P.L.218, SEC.2.) As amended by Acts 1977, P.L.123, SEC.7.

IC 20-9.1-5-15

Directional signals

Sec. 15. Directional Signals. Before a driver changes the direction of a school bus, he shall use a directional signal to indicate the change not less than one hundred (100) feet before he turns.

(Formerly: Acts 1973, P.L.218, SEC.2.)

IC 20-9.1-5-16

Flashing lights

Sec. 16. Flashing lights as prescribed by the state school bus committee shall be used on every school bus in order to give adequate warning that the bus is stopped or about to stop on the roadway to load or unload passengers.

(Formerly: Acts 1973, P.L.218, SEC.2.) As amended by Acts 1977, P.L.123, SEC.8; P.L.135-1988, SEC.17.

IC 20-9.1-5-17

Forward area of bus off limits to children

Sec. 17. Forward Area of Bus Off Limits to Children. When a school bus is in motion, school children are prohibited from occupying any space forward of a vertical plane drawn through the rear of the driver's seat and perpendicular to the longitudinal axis of the bus. Every school bus shall be marked with a line or shall be otherwise equipped in order to indicate this prohibited area to school children. Every school bus shall have clearly posted, at or near the front, a sign stating that it is a violation of Indiana law for a school bus to be operated with any school children occupying the prohibited area.

(Formerly: Acts 1973, P.L.218, SEC.2.)

IC 20-9.1-5-18

Bus not used to transport children; modification

Sec. 18. Bus Not Used to Transport Children, Modifications. Whenever a school bus is purchased for and is being used for any purpose except to transport school children, the purchaser shall:

- (a) Remove the flasher lights;
- (b) Remove the stop arm; and
- (c) Paint the bus any color except the national standard school bus chrome yellow.

(Formerly: Acts 1973, P.L.218, SEC.2.)

IC 20-9.1-5-19

Discipline on bus

Sec. 19. Discipline on Bus. When school children are being transported on a school bus, they are under the supervision, direction and control of the school bus driver and are subject to disciplinary measures by the bus driver and the governing body of the school corporation.

(Formerly: Acts 1973, P.L.218, SEC.2.)

IC 20-9.1-5-20

Capacity of bus

Sec. 20. Capacity of Bus. A governing body shall not require a school bus driver to transport school children for which no regular seat is available in the bus.

(Formerly: Acts 1973, P.L.218, SEC.2.)

IC 20-9.1-5-21

Repealed

(Repealed by Acts 1975, P.L.237, SEC.4.)

IC 20-9.1-5-22

Violations

Sec. 22. (a) Except as provided in subsection (b) or in another section of this article, a person who violates chapter 2, 2.5, 3, 4, or 5 of this article commits a Class C misdemeanor.

(b) A person who violates section 6.6 of this chapter commits a Class B infraction.

(Formerly: Acts 1973, P.L.218, SEC.2.) As amended by Acts 1978, P.L.2, SEC.2008; P.L.278-2001, SEC.8.